

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

APR 20 2001

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
ROBERT G. ARMSTRONG, III,)	
)	CAUSE NO. A- 1422
)	
RESPONDENT.)	

This matter came on for hearing on the 10th day of April, 2001, before Linda Sanchez-Masi, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Christine Neighbors and Addie E. Patten, a Senior Certified Law Student. Robert G. Armstrong, III, ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident Nebraska insurance agent whose current registered address with the Department is 115 N Yates Ave., Minden, NE 68959.
2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.

3. On or about May 29, 1998, Respondent was involved an auto accident. Respondent, at that time, did not file an accident report with the police nor did he report the accident to his insurance company, Allied Insurance Company ("Allied"), as evidenced by Exhibit 4.

4. As a result of the aforementioned accident, a complaint was filed against Respondent with the Nebraska Department of Insurance Consumer Affairs Division, and investigated, as evidenced by Exhibit 4.

5. On or about February 17, 1999, in the course of investigation Respondent told Conni Little ("Little"), Nebraska Department of Insurance Consumer Affairs Investigator, that he submitted a claim to his insurance carrier, as evidenced by Exhibit 4.

6. Not until on or about April 29, 1999, did Respondent submit the above-mentioned claim to his insurer, as evidenced by Exhibit 4.

7. On or about December 28, 2000, the Respondent pled guilty to insurance fraud in the County Court of Kearney County, Nebraska, in violation of the Fraudulent Insurance Act, Neb.Rev.Stat. § 28-631(1)(g), a Class IV felony, as evidenced by Exhibit 5.

8. The Respondent failed to timely notify the Department of Insurance of insurance of the change in his residential and business addresses, as evidenced by Exhibits 1 and 3.

9. The aforementioned conduct, as evidenced by Exhibits 4 and 5, demonstrates untrustworthiness.

10. No evidence was presented to prove that Respondent violated Neb.Rev.Stat. §44-4028(3), and thus, no finding will be made as that statutory violation.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.

2. The Department has personal jurisdiction over Respondent.

3. The Respondent violated Neb. Rev. Stat. §44-4028 (8), (11) and § 44-4015(3).

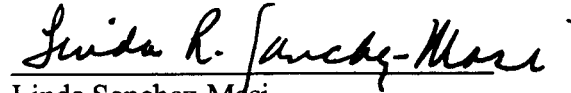
RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that:

1. Respondent's resident insurance agent license be revoked.
2. Respondent immediately surrender his insurance agent license to Beverly Creagor, Administrator of the Nebraska Department of Insurance Licensing Division.

Dated this 17th day of April, 2001.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Linda Sanchez-Masi
HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of Robert G. Armstrong III, Cause No. A-1422.

Dated this 20th day of April, 2001.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent's residential address of 415 W 11th St, Hastings, NE, by certified mail, return receipt requested, on this 20th day of April, 2001.

Stacey M. Bullfeuhl